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) Case No. 3:04CR00023

)

V.

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)

## FINAL ORDER

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**COLIN F. GORDON,**

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By: James P. Jones

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United States District Judge

Defendant.

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For the reasons set forth in the Opinion accompanying this Final Order, it is **ORDERED** that the government's Motion to Dismiss is GRANTED, and the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 is DENIED. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: December 2, 2010

/s/ JAMES P. JONES

United States District Judge